IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Revision No. 604 of 2001
(Old No. 1285 of 1988)

Jogendra Singh aged about 28
S/o Sri Pala Singh
R/o Village Banna Khera Sani
P.S. Bazpur
P.O. Haripura Harsan
District Nainital ….Revisionist

Versus

State of U.P. ….Opposite Party

Hon'ble B.C. Kandpal, J.

This is a transfer revision from Allahabad High Court. Notice was issued to the revisionist Jogendra Singh and as per the repot, it reveal that the notice has been served personally upon the revisionist Jogendra Singh.

In spite of the receipt of the notice the revisionist has not appeared before this Court nor has engaged any counsel in order to plead the revision before this Court.

I, therefore, heard Sri Nandan Arya learned A.G.A. and perused the record.

The revisionist was convicted by the Judicial magistrate, Kashipur under Section 60 Excise Act, P.S. Bazpur in the trial court and sentenced to the revisionist for six months R.I. and imposed the fine of Rs. 2,000/- (Rupees Two thousands only). In case of default of payment of fine further imprisonment for three months was fixed.

Feeling aggrieved by the judgment passed by the trial court on 30.10.1986, the revisionist preferred the appeal before the court of learned IIIrd Additional Sessions Judge, Nainital and the appeal was ultimately dismissed by the IIIrd Additional

Sessions Judge, Nainital vide judgment and order dated 26.08.1988.

The revisionist thereafter filed a revision before the Allahabad High Court which has been subsequently transferred to this Court after creation of Uttaranchal State for disposal.

Perusal of the record shows that the prosecution have examined P.W.1- G.K. Gupta – Excise Inspector, P.W.2- Constable Bachi Singh and P.W. 3 Constable Kamlesh Chandra. The witnesses produced by the prosecution have supported the prosecution case from all corners. P.W.-1 G.K. Gupta Excise Inspector has deposed in his statement as to what manner he examined the contraband and reached definite conclusion. Perusal of the examination of the witness suggest that nothing has come out which may lead to any confusion or doubt regarding the prosecution case.

I therefore, do not find any reason to interfere in the findings recorded by the trial court as well as appellate court.

I also do not find any illegality and impropriety or error of jurisdiction in the judgment and order by the court below.

Accordingly, I am of the view that the preset revision is liable to be dismissed. Accordingly the revision is dismissed.

(B.C. Kandpal, J.)

15.07.2004
ASWAL